

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

ESTHEFANY HEREDIA, ESLAINI FERNANDEZ,
and ESTELA TAVERAS, Individually and on Behalf
of All Other Persons Similarly Situated,

Plaintiffs,

-against-

AMERICARE, INC., MARTIN KLEINMAN and
JOHN DOES #1-10,

Defendants.

Civil Action No.: 17-cv-06219

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

PLEASE TAKE NOTICE, that upon the annexed Declaration of Kevin J. O'Connor, Esq., dated January 17, 2020, and the exhibits annexed thereto; Statement of Material Facts in Support; and upon the accompanying Memorandum of Law; and upon all the pleadings and proceedings heretofore had herein, Defendants, Americare, Inc. and Martin Kleinman (collectively, "Defendants"), by and through their undersigned counsel, will move at the United States Courthouse, Daniel Patrick Moynihan Building, 500 Pearl Street, Room 1920, New York, NY 10007 before the Honorable Robert W. Lehrberger, U.S.M.J., in accordance with the Scheduling Order of the Court, for summary judgment dismissing the Complaint filed by Plaintiffs, Esthefany Heredia, Eslaini Fernandez and Estela Taveras (collectively, "Plaintiffs") with respect to their remaining causes of action.

LAW OFFICES

**Peckar &
Abramson**

A Professional Corporation

Dated: January 17, 2020

PECKAR & ABRAMSON, P.C.

By: /s/ Kevin J. O'Connor
KEVIN J. O'CONNOR
1325 Avenue of the Americas, 10th Floor
New York, New York 10019
(212) 382-0909
Attorneys for Defendants

To: William C. Rand, Esq.
Law Office of William Coudert Rand
501 Fifth Ave., 15th Floor
New York, New York 10017
(212) 286-1425
Attorneys for Plaintiffs

LAW OFFICES

**Peckar &
Abramson**

A Professional Corporation

DECLARATION OF SERVICE

I declare that, on this date, a copy of this Notice of Motion for Summary Judgment, Memorandum of Law in Support, Statement of Material Facts, and Declaration of Kevin J. O'Connor, Esq., with exhibits, was electronically served pursuant to Local Civil Rule 5.2 upon counsel for Plaintiff as follows:

William C. Rand, Esq.
Law Office of William Coudert Rand
501 Fifth Ave., 15th Floor
New York, New York 10017
(212) 286-1425
Attorneys for Plaintiffs

Dated: January 17, 2020

By: /s/ Kevin J. O'Connor
KEVIN J. O'CONNOR

LAW OFFICES

**Peckar &
Abramson**

A Professional Corporation